

## **Senate Bill No. 13**

### **CHAPTER 29**

An act to amend Section 124250 of, and to repeal Section 124251 of, the Health and Safety Code, relating to domestic violence, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 21, 2009. Filed with  
Secretary of State October 21, 2009.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

SB 13, Alquist. Domestic violence: funding.

Existing law establishes a comprehensive statewide domestic violence program in the California Emergency Management Agency (Cal EMA) and requires the agency to provide financial and technical assistance to local domestic violence centers.

Existing law requires the Maternal and Child Health Branch of the State Department of Public Health to administer a comprehensive shelter-based services grant program to battered women's shelters, as prescribed.

This bill would, among other things, require Cal EMA to administer the above-described grant program.

This bill would require the Department of Finance, upon the enactment of this bill, to transfer \$16,300,000 from the Alternative and Renewable Fuel and Vehicle Technology Fund to the General Fund as a loan. The bill would require the full amount of the loan to be repaid, with interest at the rate earned by the Pooled Money Investment Account at the time of the transfer, on or before June 30, 2013.

The bill would appropriate \$16,300,000 from the General Fund to Cal EMA for the purpose of funding the above-described comprehensive shelter-based services grant program to shelters for victims of domestic violence.

This bill would require grantees funded under the above-described grant program, during the 2008–09 fiscal year, to be funded by Cal EMA for a period of one fiscal year, retroactively, commencing July 1, 2009.

The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. The Governor issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on December 19, 2008.

This bill would state that it addresses the fiscal emergency declared by the Governor by proclamation issued on December 19, 2008, pursuant to the California Constitution.

This bill would declare that it is to take effect immediately as an urgency statute.

Appropriation: yes.

*The people of the State of California do enact as follows:*

SECTION 1. Section 124250 of the Health and Safety Code is amended to read:

124250. (a) The following definitions shall apply for purposes of this section:

(1) “Domestic violence” means the infliction or threat of physical harm against past or present adult or adolescent intimate partners, and shall include physical, sexual, and psychological abuse against the partner, and is a part of a pattern of assaultive, coercive, and controlling behaviors directed at achieving compliance from or control over, that partner.

(2) “Shelter-based” means an established system of services where victims of domestic violence and their children may be provided safe or confidential emergency housing on a 24-hour basis, including, but not limited to, hotel or motel arrangements, haven, and safe houses.

(3) “Emergency shelter” means a confidential or safe location that provides emergency housing on a 24-hour basis for victims of domestic violence and their children.

(b) The California Emergency Management Agency shall administer a comprehensive shelter-based services grant program to shelters for victims of domestic violence pursuant to this section. This program shall comport with the requirements of Section 11135 of the Government Code.

(c) The California Emergency Management Agency shall administer grants, awarded as the result of a request for application process, to shelters for victims of domestic violence that propose to maintain shelters or services previously granted funding pursuant to this section, to expand existing services or create new services, and to establish new shelters to provide services, in any of the following four areas:

(1) Emergency shelter to victims of domestic violence and their children escaping violent family situations.

(2) Transitional housing programs to help victims of domestic violence and their children find housing and jobs so that they are not forced to choose between returning to a violent relationship or becoming homeless. The programs may offer up to 18 months of housing, case management, job training and placement, counseling, support groups, and classes in parenting and family budgeting.

(3) Legal and other types of advocacy and representation to help victims of domestic violence and their children pursue the appropriate legal options.

(4) Other support services for victims of domestic violence and their children.

(d) The agency shall collaborate closely with the advisory council established pursuant to Section 13823.16 of the Penal Code in the development of funding priorities, the framing of the Request for Proposals, and the solicitation of proposals.

(e) (1) The California Emergency Management Agency shall administer grants, awarded as the result of a request for application process, to entities to conduct demonstration projects to serve victims of domestic violence and their children, including, but not limited to, creative and innovative service approaches, such as community response teams and pilot projects to develop new interventions emphasizing prevention and education, and other support projects identified by the advisory council.

(2) For purposes of this subdivision, “entity” means a state agency, a local government, a community-based organization, or a nonprofit organization.

(f) It is the intent of the Legislature that services funded by this program include services for victims of domestic violence in underserved communities, including the lesbian, gay, bisexual, and transgender community, and ethnic and racial communities. Therefore, the California Emergency Management Agency shall do both of the following:

(1) Fund shelters pursuant to this section that reflect the ethnic, racial, economic, cultural, and geographic diversity of the state.

(2) Target geographic areas and ethnic and racial communities of the state whereby, based on a needs assessment, it is determined that no shelter-based services for victims of domestic violence exist or that additional resources are necessary.

(g) The director may award additional grants to shelter-based agencies when it is determined that there exists a critical need for shelter or shelter-based services.

(h) As a condition of receiving funding pursuant to this section, shelters for victims of domestic violence shall do both of the following:

(1) Provide matching funds or in-kind contributions equivalent to not less than 20 percent of the grant they would receive. The matching funds or in-kind contributions may come from other governmental or private sources.

(2) Ensure that appropriate staff and volunteers having client contact meet the definition of “domestic violence counselor” as specified in subdivision (a) of Section 1037.1 of the Evidence Code. The minimum training specified in paragraph (2) of subdivision (a) of Section 1037.1 of the Evidence Code shall be provided to those staff and volunteers who do not meet the requirements of paragraph (1) of subdivision (a) of Section 1037.1 of the Evidence Code.

(i) Notwithstanding subdivision (h), a shelter for victims of domestic violence that received funding pursuant to this section in the previous grant cycle shall be funded upon reapplication, unless its past performance history fails to meet the requirements in paragraph (2) of subdivision (h).

(j) The California Emergency Management Agency may hire the support staff and utilize all resources necessary to carry out the purposes of this section. The agency shall not utilize more than 10 percent of any funds appropriated for the purpose of the program established by this section for the administration of this program.

SEC. 2. Section 124251 of the Health and Safety Code is repealed.

SEC. 3. (a) (1) Upon enactment of this act, the Department of Finance shall transfer sixteen million three hundred thousand dollars (\$16,300,000) from the Alternative and Renewable Fuel and Vehicle Technology Fund to the General Fund as a loan. The full amount of the loan shall be repaid, with interest at the rate earned by the Pooled Money Investment Account at the time of the transfer, on or before June 30, 2013.

(2) There is hereby appropriated the sum of sixteen million three hundred thousand dollars (\$16,300,000) from the General Fund to the California Emergency Management Agency (Cal EMA) for the purposes of funding Chapter 6 (commencing with Section 124250) of Part 2 of Division 106 of the Health and Safety Code.

(b) Grantees funded pursuant to Section 124250 of the Health and Safety Code, during the 2008–09 fiscal year, shall be funded under this section by the Cal EMA for a period of one fiscal year, retroactively, commencing July 1, 2009.

(c) In order to qualify for financial assistance pursuant to this section a recipient shall be a California nonprofit organization with a demonstrated history of working in the area of domestic violence intervention, education, and prevention.

SEC. 4. This act addresses the fiscal emergency declared by the Governor by proclamation on December 19, 2008, pursuant to subdivision (f) of Section 10 of Article IV of the California Constitution.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

The problem of domestic violence is serious and increasing in magnitude, existing domestic violence services are underfunded, and some areas of the state are unserved or underserved. In order to ensure that all victims of domestic violence receive comprehensive, quality services, it is necessary that this act take effect immediately.